



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re* Application of )  
 )  
 Russell SMITH *et al.* ) Group Art Unit: TBA  
 )  
 Serial No. 10/798,891 ) Examiner: TBA  
 )  
 Filed: March 12, 2004 ) Atty. Docket 006242.00043 (8605/USA)  
 )

For: USE OF PRE-COATED MAT FOR PREPARING GYPSUM BOARD

**PETITION TO ACCEPT COLOR PHOTOGRAPHS**  
**UNDER 37 C.F.R. §§ 1.84(a)(2) AND (b)(1)**

**and**

**AMENDMENT TO THE SPECIFICATION UNDER 37 C.F.R. § 1.83(a)(2)(iv)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. §§ 1.84(a)(2) and (b)(1), Applicants submit herewith three (3) sets of a photocopy of the color photograph corresponding to Figure 4, described in paragraph [25] at page 7 of the specification. Applicants also include the required black and white photocopy of Figure 4. A color photograph is the only practical medium for showing the details present in Figure 4.

The Commissioner is authorized to charge the petition fee of \$130 under 37 C.F.R. § 1.17(h) to our Deposit Account No. 19-0733. However, if additional fees are required or an overpayment of fees made, please debit or credit our Deposit Account 19-0733, accordingly.

AMENDMENTS TO THE SPECIFICATION, as required under 37 C.F.R. § 1.83(a)(2)(iv), begin on page 2 of this paper.

REMARKS begin on page 3 of this paper.

05/04/2004 SDENB081 00000090 190733 10798891

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AMENDMENTS TO THE SPECIFICATION

At page 6 immediately below the heading BRIEF DESCRIPTION OF THE DRAWINGS and before paragraph [21], please insert the following paragraph:

--The patent or patent application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.--

Russell SMITH *et al.*  
U.S. Patent Application Serial No. 10/798,891

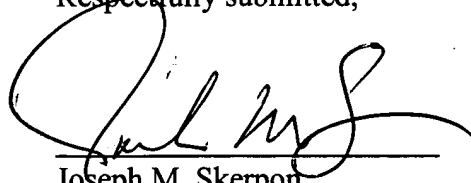
Atty. Docket 006242.00043  
(8605/US)

REMARKS

Applicants respectfully request that the color photograph corresponding to Figure 4 be accepted.

Date: 3 May 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joe M. Skerpon', written over a horizontal line.

Joseph M. Skerpon  
Registration No. 29,864

BANNER & WITCOFF, LTD.  
1001 G Street, N.W., Eleventh Floor  
Washington, D.C. 20001-4597  
(202) 824-3000

Enclosures:

Three (3) color photocopies and one (1) black and white photocopy of the color photograph corresponding to Figure 4

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130

## Complete if Known

Application Number 10/798,891  
Filing Date March 12, 2004  
First Named Inventor Russell Smith et al.  
Examiner Name TBA  
Art Unit TBA  
Attorney Docket No. 006242.00043 (8605/US)

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None  
Order

☒ Deposit Account:

Deposit Account Number 19-0733

Deposit Account Name Banner & Witcoff, LTD.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$ 0

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
	0		0
Independent Claims	Extra Claims	Fee from below	Fee Paid
	0		0
Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ 130

## SUBMITTED BY

Name (Print/Type) Joseph M. Skerpon

Signature

Registration No. (Attorney/Agent)

29,864

Telephone

## Complete (if applicable)

202-824-3000

Date

3 May 2004

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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